USPTO IAP78
MAY 17 2007
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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 944-001.065

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on May 15, 2007

Signature Marilyn O'Connell

Typed or printed name Marilyn O'Connell

Application Number	Filed
10/099,853	March 13, 2002

First Named Inventor: Matti SALMI

Art Unit	Examiner
2155	Thuong Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 31,391
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Francis Maguire
Signature

Francis J. Maguire
Typed or printed name

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Telephone number

May 15, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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MAY 17 2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor:	Matti Salmi
Serial No.:	10/099,853
Filed:	March 13, 2002
Title:	Separation of instant messaging user and client identities
Group Art Unit:	2155
Examiner:	Nguyen, Thuong

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Main Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed on February 15, 2007, applicant respectfully requests review of the rejections presented in the Office Action.

REMARKS

The application includes claim 1-67. In the final Office Action of February 15, 2007, claims 1-12, 14-26, 28-39, 41-53, 55-59, 61, 62, 64, 65 and 67 are rejected. Claims 13, 27, 40, 54, 60, 63 and 66 are objected to. Applicant respectfully requests review of the rejections to the claims, and respectfully submits that the Office has committed clear error in rejecting the claims. The Office has committed clear error by failing to show that the relied upon references disclose or suggest all of the limitations recited in the independent claims, either expressly or inherently. See MPEP § 2131.

This Pre-Appeal Brief Request for Review is submitted along with a Notice of Appeal.

Claim Rejections under 35 USC §102

Claims 1-5, 7-12, 14-19, 21-26, 28-32, 34-39, 41-46, 48-53, 55-59, 61, 62, 64 and 65 are rejected under 35 USC §102(e) as being anticipated by Aravamudan et al. (U.S. Patent No. 6,301,609). Applicant respectfully submits that claim 1 is not disclosed or suggested by Aravamundan, because Aravamundan fails to disclose or suggest all of the limitations recited in claim 1. Aravamundan at least fails to disclose or suggest communicating a primitive from a terminal device to a network, and providing the primitive with an information element identifying a client and a separate information element identifying a user of the client. Therefore, for at least this reason the Office has committed clear error in rejecting the claims, and applicant respectfully requests withdrawal of the rejections.

Claim 1 recites a method in which a primitive is communicated from a terminal device to a network, and the primitive is provided with an information element identifying a client of the terminal device, and an information element identifying a user of the client. Therefore, claim 1 recites that a separate information element is used to identify the client and the user, and furthermore both information elements are provided in the same primitive. As such, the method of claim 1 provides a primitive containing separate information elements for the user and the client from the terminal device to the network.

In contrast to claim 1, Aravamundan does not disclose or suggest that separate information elements for a user and a client are provided in the same primitive from a terminal

device to a network. Instead, Aravamundan at most discloses that after a user has registered with a provisioning server by entering a selected password, the provisioning server provides the client premises equipment (CPE) software with a unique identification (ID). See Aravamundan column 6, lines 49-53. The provisioning server may also convey a copy of the address of the user's IM server and password to the Communication Services Platform (CSP), which can then create personal and administrative databases for the user and convey the unique ID to the IM server creating a new IM account for the user. See Aravamundan column 6, lines 54-60. However, Aravamundan never discloses or suggests communicating a primitive provided with separate information elements identifying the client and the user from a terminal device to a network. The the unique ID is not provided from a terminal device to a server as recited in claim 1, but instead from the CSP to the IM server. In addition, the unique ID of the CPE software is not provided in the same primitive as an information element identifying the user. Instead, the user's IM server address and password are provided separately to the CSP, which does not then convey this information to the IM server, because the IM server has no need for its own identification.

Furthermore, Aravamundan discloses that the CPE software generates a message indicating the user's online state and current user address, and conveys the message to the IM server. See Aravamundan column 7, lines 5-8. The user's address refers to the address of the user's CPE device, i.e. personal computer, wired telephone or cellular telephone (see Aravamundan column 3, lines 30-35), and is not an information element identifying the CPE software itself, but only refers to the address to which the CPE device is attached. See Aravamundan column 7, lines 10-20. Therefore, the message conveyed to the IM server is not provided with an information element identifying the user and a separate information element identifying the client, because the address only refers to the CPE device. One of ordinary skill in the art would understand that the CPE device is not the equivalent of the client referred to in claim 1. See e.g. specification page 14, lines 23-24. Therefore, Aravamundan at least fails to disclose or suggest providing a primitive with an information element identifying a client and a separate information element identifying a user of the client. Instead, Aravamundan at most discloses providing separate messages with information related to CPE software and the user of the CPE software. For at least this reason, Aravamundan fails to disclose or suggest all of the

limitations recited in claim 1, and applicant respectfully submits that the Office has committed clear error in rejecting claim 1.

Claims 15 and 59 recite a system, claims 28 and 56 recite a device, and claims 42 and 64 recite a server. All of these independent claims have limitations similar to that of claim 1. Since claim 1 is believed to be patentable, claims 15, 28, 42, 56, 59, 61 and 64, and dependent claims thereof, are also believed to be patentable. Applicant respectfully requests the rejection of these claims be reconsidered and withdrawn.

Claim Rejections under 35 USC §103

On page 18, section 61, of the Office action, claims 6, 20, 33, and 47 are rejected under 35 USC §103(a) as being unpatentable over Aravamudan in view of Mendiola (U.S. Patent Application Publication No. 2002/0006803).

These claims depend from one of the patentable independent claims. Applicant respectfully requests the rejection of these claims be reconsidered and withdrawn for at least the same reasons as given above.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 15 MAY 2007

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